

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

IN RE: LINDA RUFF EASTER
Debtor(s),

CASE No: 09-61290-WEA
Chapter 13

CITIMORTGAGE, INC.
Movant,
v.

LINDA RUFF EASTER,
HERBERT L BESKIN, Trustee,
Respondents.

CONSENT ORDER MODIFYING AUTOMATIC STAY

This matter was before the court on September 16, 2010, on the motion of CitiMortgage, Inc., for relief from the automatic stay with respect to the real property located at 1134 Wishing Well Lane, Bedford, VA 24523, and is more particularly described as follows:

All that certain lot or parcel of land, together with the buildings and improvements thereon and the appurtenances, easements, and privileges thereunto belonging, situate in Lakes Magisterial District, Bedford County, Virginia, about 6-1/2 miles southeast of the City of Bedford and Lying on the south side of the Poorhouse Road and more particularly described as follows:

BEGINNING on the Poorhouse Road at the southeast corner of the bridge over Machine Creek, at an iron driven in the ground, thence along Machine creek, as it meanders in a southerly direction an estimated distance of 200 yards to a line of the land of W.M. Johnson and T.S. Johnson, at a planted rock; thence with Johnsons line in a northerly direction an estimated distance of 100 yards, to the Poorhouse Road; thence along with Poorhouse Road in a westerly Direction, as it meanders, an estimated distance of 400 yards, to the bridge over Machine Creek, at the point of BEGINNING, and estimated to contain 7 acres, more or less.

LESS AND EXCEPT the off conveyance of that certain triangular piece of land, lying on the west side of Virginia Secondary Route 940 and on the north side of Virginia Secondary Route 714, estimated as containing 0.05 acre, more or less, but being conveyed by the boundary and not by the acre.

LESS AND EXCEPT the off conveyance of 1.27 acres, more or less, being shown on sheets 3 and 4 of the plans for the Route 714, State Highway Project 0714-009-868, C-501, and lying on both sides of and adjacent to the office revised centerline from the lands of Harvey Lynch at approximate office revised centerline station 281+16. to a point opposite approximate Station 390+ 33 being the center of present Route 714, and containing 1.30 acre, more or less, land of which 0.03 acre is included in the existing right of way and 1.27 acre, more or less, is additional land.

Upon consideration of which it is

ORDERED:

1. The debtor will resume making regular monthly installment payments in the amount of \$ 866.95 as they become due commencing on October 1, 2010. Late payments will include applicable late charges in the amount of \$ 0.00.
2. The debtor will cure the post-petition arrearage currently due to the movant from February 1, 2010 through September 1, 2010 in the total amount of \$8,007.94, which includes late charges, deferred late charges, filing fees, and attorney's fees of \$500.00, by making the following payment:

\$8,007.94 on or before November 15, 2010, by making a hardship withdrawal from the debtor's 401(K) plan. Such payment to be made by certified funds and delivered directly to the movant.

In the event that any payment required by this order is not received by the movant within 15 days after it is due, the movant may submit a certificate stating that it has complied with the terms of the order and that the debtor is in default of this order and may submit together with the certificate a draft order terminating the automatic stay.

If the debtor or trustee files an objection, the movant must set the matter for hearing and give notice of the hearing to the debtor, debtor's counsel and the trustee. At the hearing, the court may terminate the stay or take other action appropriate to the circumstances.

3. The provisions of this order with respect to regular monthly installment payments expire one year after the date of the entry of this order. In the event of the default in payment of any regular monthly installment payment due more than one year after the date of the entry of this order, the movant must obtain relief by filing a new motion for relief from stay with appropriate notice and hearing.

4. The movant may not refuse to accept or apply payments tendered by the debtor, even if such payments are late or in an improper amount; however, acceptance of non-conforming payments is without prejudice and shall not constitute a waiver of any default.

5. The automatic stay is modified to permit the noteholder or servicing agent to send the debtor payment coupons, payment statements, or invoices, notices of late

payment changes, notices of servicing transfers, or any other notices, other than a notice of acceleration or demand for payment of the entire balance, normally sent to customers in the ordinary course of business.

6. Should the debtor default pursuant to the terms contained herein, unless otherwise ordered by this court, the movant shall be entitled to reasonable attorney's fees in the amount of \$50 for issuance of a certificate of default and preparation of an order terminating the automatic stay.

7. Upon entry of an order granting relief from the automatic stay of 11 U.S.C. §362, the Trustee will immediately cease making any payments on the Movant's secured claim which were required by the plan. Any amended unsecured claim for a deficiency must be filed by the Movant within 120 days from the date on which the order lifting stay is entered, or such claim against the bankruptcy estate shall be forever barred

DONE at Lynchburg, Virginia, this 3rd day of December, 2010.



Judge
United States Bankruptcy Judge

I ASK FOR THIS:

/s/ Kevin R. Hildebeidel

*Kevin Hildebeidel, Esq. VSB: #35645
Angela N. Watson, Esq. VSB: #72029
Morris/Hardwick/Schneider, PLLC
22375 Broderick Drive, Suite 210
Dulles, VA 20166
Ph: 703-330-3265, Fax: 703-330-8315
Email: khildebeidel@closingsource.net
Attorney for Movant*

SEEN AND Agreed:

/s/ T. Henry Clarke

*T Henry Clarke IV
311 W Main Street
Beford, VA 24523
540-587-9299
Attorney for Debtor*

SEEN:

/s/ Herbert L. Beskin

Herbert L Beskin
PO Box 2103
Charlottesville, VA 22902
Chapter 13 Trustee

CERTIFICATION

The undersigned certifies, pursuant to Rule 9072 that all necessary parties have endorsed the foregoing Order and that the Order is ready for entry.

/s/ Kevin R. Hildebeidel
Attorney for Movant

Will the clerk please send copies of this Order in electronic format to all parties who are listed on the ECF system and to:

Linda Ruff Easter
1134 Wishing Well Lane
Bedford, VA 24523